

## **REMARKS**

Claims 1, 24, 29-31, 39, 50, 51 and 55 have been amended, and claims 42 and 59 have been cancelled herein. Hence, claims 1-41, 43-58 and 60 are currently pending. Applicants respectfully request reconsideration of the captioned application in view of the foregoing amendments and the following remarks.

### ***Claim Rejections – 35 USC § 112***

The office action rejected claim 24 under 35 USC 112, second paragraph, as allegedly being indefinite. Claim 24 has been amended herein to make it even more clear that the claim is directed to a cover for a ceiling fan that defines a plurality of ceiling fan blades. The rejection under 35 USC 112 is thus believed to be overcome.

### ***Claim Rejections – 35 USC § 102***

The office action rejected claims 1-5, 13-16, 21-23, 39-41, 43, 44 and 46-48 under 35 USC 102(b) as allegedly being anticipated by U.S. Patent No. 5,462,407 to Calvo (“Calvo”). Applicant respectfully traverses these rejections.

Claim 1 has been amended to recite, “a one-piece covering secured to the frame member to form a plurality of ceiling fan blades.” MPEP 2131 notes that, to anticipate a claim, the prior art the reference must teach every element of the claim. Further, “the elements must be arranged as required by the claim.” (citing *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990)).

First, claim 1 requires a continuous frame member that defines a plurality of ceiling fan blades. The office action references item 64 of Calvo as corresponding to this claim limitation. However, reference number 64 is described in Calvo as a cord – not a *frame member*. The cord 64 of Calvo does not define the ceiling fan blades, but rather, the blade frame 42 is formed by “a

flexible elongate tubular member 44, which is preferably a length of PVC pipe of generally circular cross section....” Calvo at col. 3, ll. 26-28. It further includes “a curved, hollow yet rigid vent tube 58 having a first end 60, a second end 62, and an axial lumen 63 therethrough....” *Id.* at ll. 41-43. Thus, the cord 62 itself is not a *frame member* that defines ceiling fan blades. The structure for the ceiling fan blades is provided by the tubular member 44 and the vent tube 58. As disclosed in Calvo, the cord 64 “is component of blade frame 42.” *Id.* at l. 59.

Calvo thus fails to disclose one continuous frame member defining a plurality of ceiling fan blades.

Moreover, claim 1 recites, “a one-piece covering secured to the frame member to form a plurality of ceiling fan blades.” Regarding Calvo, the office action references “a one-piece stretchable fabric covering 72 secured to the frame member.” However, the blade frame covers 72 and 72’ each form a *single* blade. Calvo fails to disclose a one-piece covering that forms a *plurality* of ceiling fan blades.

Calvo thus cannot anticipate claim 1, nor any of claims 2-5, 13-16, 21-23 dependent thereon.

Claim 39 has been amended to incorporate the subject matter of original claim 42, so that claim 39 now represents claim 42 in independent form. There were no specific rejections of claim 42 set forth in the detailed action portion of the office action. Claim 39, as well as claims 39-41, 43, 44, 46 and 47 dependent thereon, are thus believed to be proper for allowance.

Claim 48 is recited in mean-plus-function format as provided for in 35 USC 112, paragraph 6, and therefore is construed to cover the corresponding structure described in the

specification and equivalents thereof. Claim 48 includes “means for defining a plurality of loops.” The structure corresponding to this means element includes “a single piece of tempered spring steel that is easily bendable and foldable. The tempered spring steel frame when unfolded provides a symmetrical plurality of loops that define a plurality of ceiling fan blades.”

Specification at p. 7. As discussed in conjunction with the rejection of claim 1, Calvo discloses different structure for defining ceiling fan blade loops: tubular member 44, a hollow vent tube 58 and a cord 64.

Claim 48 also recites “means for covering the plurality of loops to define a plurality of ceiling fan blades.” The structure corresponding to this means element is “a one-piece design and is sized to substantially cover the plurality of loops of frame member 24 so as to form a plurality of fan blades 25 that directly corresponds to the plurality of loops.” Specification at p. 7. Calvo also fails to disclose this structure. Instead, Calvo teaches a separate cover for each fan blade.

Since Calvo fails to disclose the structure described in the specification for performing the recited functions, it cannot anticipate claim 48.

The office action rejected claims 24, 28, 34-36, 38, 50, 52-55 and 58 under 35 USC 102(b) as allegedly being anticipated by U.S. Patent No. 4,889,543 to Burt (“Burt”). Applicant respectfully traverses these rejections.

Claims 24 and 50 each include a one-piece covering that forms a plurality of ceiling fan blades. As stated in the office action, “Burt discloses a cover for a ceiling fan comprising a one-piece covering material 20 *secured to a plurality of ceiling fan blades* 12-15.” (emphasis added). Burt fails to disclose a one-piece covering that *forms* a plurality of fan blades. Burt actually

teaches away from the claimed device and method, as it teaches a covering attached to separate blades, rather than a covering that forms the blades.

As such, claims 24 and 50 are believed to be allowable over Burt. Claims 28, 34-36, 38, 52-54 ultimately depend from either claim 24 or claim 50, so they are allowable for at least the same reasons.

Claim 55 has been amended to include the subject matter of claim 59, which has been canceled. Claim 55 therefore represents original claim 59 in independent form. No rejections of claim 59 were found in the detailed action portion of the office action. As such, claim 55 is believed to be proper for allowance.

#### ***Claim Rejections – 35 USC § 103***

The office action rejected claims 7, 8, 10-12, 17-19, 26, 27, 30-33, 37, 45, 49, 51, 56 and 57 under 35 USC 103(a) as allegedly being unpatentable over various combinations of references. Applicant respectfully traverses these rejections.

Claims 7, 8, 10-12 and 17-19 all ultimately depend from claim 1; claims 26, 27, 30-33 and 37 all ultimately depend from 24; claim 45 depends from claim 39; claim 49 depends from claim 48; claim 51 depends from claim 50 and claim 56 depends from claim 55. Each of independent claims 1, 24, 39, 48, 50 and 55 are believed to be allowable for the reasons set forth herein above. The claims depending therefrom are allowable for at least the same reasons.

***Allowable subject matter***

The office action noted that claims 9, 20 and 29 contained allowable subject matter. The Examiner's acknowledgment of the allowable subject matter is appreciated. As the claims from which these claims depend are believed to be proper for allowance, claims 9, 20 and 29 are also believed to be proper for allowance in their present form.

Claims 6, 25, 59 and 60 did not appear to have specific rejections set forth in the detailed action portion of the office action.

***Conclusion***

As evidenced by the foregoing amendments and remarks, Applicants have made a genuine effort to address each concern raised in the office action. All of the pending claims are believed to be in condition for allowance. The Examiner is invited to contact the undersigned attorney with any concerns or questions regarding the present application.

Respectfully submitted,

  
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